

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JIMMY DON YARBROUGH,
Petitioner

v.

WARDEN ROSALEZ,
Respondent

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1:22-CV-01138-LY-SH

ORDER

Before the Court are Petitioner Jimmy Don Yarbrough's Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241, filed November 3, 2022 (Dkt. 1), and Petitioner's Application to Proceed In Forma Pauperis, filed November 21, 2022 (Dkt. 5). On November 3, 2022, the District Court referred this case to the undersigned Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72, Rule 1 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, and the Court Docket Management Standing Order for United States District Judge Lee Yeakel. Dkt. 2.

Petitioner seeks leave to file his § 2241 Petition without having to pay the \$5.00 filing fee, pursuant to 28 U.S.C. § 1915. According to his Certificate of Inmate Trust Account, Petitioner currently has a balance of \$2,984.79 in his account, and average monthly deposits in the past six months were \$175.75. Dkt. 5 at 3. Thus, Petitioner has sufficient funds to pay the \$5.00 filing fee in this case, and Petitioner's Application to Proceed In Forma Pauperis (Dkt. 5) is **DENIED**.

The Court **ORDERS** Petitioner to submit the filing fee of \$5.00 to the Clerk by **January 9, 2022**. Failure to pay the filing fee by the deadline will result in the dismissal of this case for want of prosecution.

SIGNED on December 8, 2022.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE